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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
|-----------------|-------------|----------------------|---------------------|------------------|

10/616,195

07/08/2003

Michael Zimmerman

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EXAMINER

SALL, EL HADJI MALICK

ART UNIT

PAPER NUMBER

2157

MAIL DATE

DELIVERY MODE

07/10/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/616,195 | Applicant(s) ZIMMERMAN ET AL. | |
| | Examiner EL HADJI M. SALL | Art Unit 2157 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to the appeal brief filed on April 24, 2008. Claims 1-20 are pending. Claims 1-20 represent turnkey reseller program for registering domain names. After further review of the appeal brief during an appeal brief conference, Examiner agreed with Applicant's argument, therefore have decided to reopen prosecution.

2. *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 6 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 6 and 16, the phrase "adapted for" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d). Appropriate correction is required.

3. *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayles U.S. 7,039,697 in view of Vaidyanathan et al. U.S. 20020138291 (referred to hereafter as Vaid), further in view of Toda et al. U.S. 20030182365.

Bayles teaches the invention substantially as claimed including registry-integrated Internet domain name acquisition system (see abstract).

As to claims 1 and 11, Bayles teaches a reseller program embodied in a machine readable medium and a process for allowing a plurality of Customers to register one or more domain names via a Registrar, comprising:

A) means for accepting a plurality of Resellers into a reseller program (column 6, lines 26-28);

B) means for creating a registrar web site for registering domain names with an appropriate Registry (figure 2);

C) means for allowing a plurality of Customers to register one or more domain names via the registrar web site (column 6, lines 26-28, Bayles disclose registrars which are means for allowing customers to register domain names)

D) means for collecting a fee from each Customer that registers a domain name (column 6, lines 32-33).

Bayles fails to teach explicitly E) means for compensating each Reseller.

However, Vaid teaches digital file marketplace. Vaid teaches means for compensating each Reseller (figure 2; page 2, [0019], Vaid discloses...the marketplace 10 generates revenue by charging the content owners 14 transaction fees. Thus, when the consumer 16 downloads a file 12, the consumer 16 is charged the retail price set by the owner. The transaction fee charged by the marketplace and any reseller commission (i.e. "means for compensating each Reseller") is then subtracted from the retail price collected from the consumer 16...).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles in view of Vaid to provide means for compensating each Reseller that guided a Customer to the registrar web site that registered a domain name. One would be motivated to do so to allow maintaining the third party website.

Bayles and Vaid fail to teach explicitly at least one of the plurality of Customers was guided.

However, Toda teaches site monitoring method. Toda teaches at least one of the plurality of Customers was guided (paragraph [0045]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bayles and Vaid in view of Toda to provide at least one of the plurality of Customers was guided to the registrar web site from actions by one of the plurality of Resellers. One would be motivated to do so to allow guiding the user to the desired web page (abstract).

As to claims 2 and 12, Bayles teaches the reseller program and the process of claims 1, 6, 11 and 16, wherein the registrar web site has the ability to accept domain names from the Customers, accept information regarding the Customers, check on availability of the domain names, collect a fee from the Customers, register available domain names for the Customers (column 6, lines 26-33; figure 2).

Bayles fails to teach explicitly compensating the plurality of Resellers based on the actions of the Customers.

However, Bail teaches compensating the plurality of Resellers based on the actions of the Customers (figure 2; page 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles in view of Vaid to provide compensating the plurality of Resellers based on the actions of the Customers. One would be motivated to do so to allow maintaining the third party website.

As to claims 3 and 14, Bayles teaches the reseller program of claims 1 and 11, wherein the actions by one of the plurality of Resellers include advertisement (column 3, lines 38-40).

As to claim 4, Bayles teaches the reseller program and the process of claim 1, further including means to register domain names via a proxy service, wherein proxy contact information is made publicly available while the Customer receives legal rights in the domain name (column 5, lines 32-36).

As to claims 5 and 15, Bayles teaches the reseller program of claims 1 and 11 wherein the actions by one of the plurality of Resellers include creating a link to the registrar web site from another web site (figure 1; column 5, lines 37-46).

4. Claims 6-10 and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bayles U.S. 7,039,697 in view of Vaidyanathan et al. U.S. 20020138291 (referred to hereafter as Vaid), further in view of Wilson.

As to claims 6 and 16, Bayles teaches a process for allowing a plurality of Customers to register one or more domain names via a turnkey reseller program, comprising:

A) creating a registrar web site adapted for registering domain names with an appropriate Registry (figure 2);

C) registering a Reseller into the turnkey reseller program (column 6, lines 26-28).

Bayles fail to teach explicitly an administration web site.

However, Wilson teaches system for reconfiguring and registering a new IP address for a computer to access a different network without user intervention. Wilson teaches an administration web site (column 5, lines 7-8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bayles in view of Wilson to provide B) creating an administration web site adapted for allowing Resellers to enter the turnkey reseller program and allowing each Reseller to customize the registrar web site for their Customers. One would be motivated to do so to allow monitoring who is connected and registered to the network.

Bayles and Wilson fail to teach explicitly selling products or services to a Customer of the Reseller, and compensating the Reseller.

However, Vaid teaches selling products or services to a Customer of the Reseller, and compensating the Reseller (figure 2; page 2, [0019], Vaid discloses...the marketplace 10 generates revenue by charging the content owners 14 transaction fees. Thus, when the consumer 16 downloads a file 12, the consumer 16 is charged the retail price set by the owner (i.e. "selling product or services"). The transaction fee charged by the marketplace and any reseller commission (i.e. "means for compensating each Reseller") is then subtracted from the retail price collected from the consumer 16...).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles and Wilson in view of Vaid to provide D) selling products or services to a Customer of the Reseller; and E) compensating the Reseller based on the products or services purchased by the Customer. One would be motivated to do so to allow maintaining the third party website.

As to claims 7 and 17, Bayles teaches the reseller program and the process of claims 6 and 16, wherein the registrar web site has the ability to accept domain names from the Customers, accept information regarding the Customers, check on availability of the domain names, collect a fee from the Customers, register available domain names for the Customers (column 6, lines 26-33; figure 2).

Bayles fails to teach explicitly compensating the plurality of Resellers based on the actions of the Customers.

However, Bail teaches compensating the plurality of Resellers based on the actions of the Customers (figure 2; page 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles in view of Vaid to provide compensating the plurality of Resellers based on the actions of the Customers. One would be motivated to do so to allow maintaining the third party website.

As to claims 8 and 18, Bayles teaches the reseller program of claims 6 and 14.

Bayles fails to teach explicitly the administration web site offers the option to the resellers to receive electronic payments from the registrar based on activities of the resellers' customers.

However, Vaid teaches the administration web site offers the option to the resellers to receive electronic payments from the registrar based on activities of the resellers' customers (page 2, [0019]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Bayles in view of Vaid to provide the administration web site offering the option to the resellers to receive electronic payments from the registrar based on activities of the resellers' customers. One would be motivated to do so to allow paperless transaction.

As to claims 9 and 19, Bayles teaches the reseller program and the process of claims 6 and 18, further including means to register domain names via a proxy service, wherein proxy contact information is made publicly available while the Customer receives legal rights in the domain name (column 5, lines 32-36).

As to claims 10 and 20, Bayles teaches the reseller program of claims 6 and 20.

Bayles fails to teach explicitly wherein the administration web site offers the option to the Reseller to display a report showing commission payments during selected time periods.

However, Vaid teaches the administration web site offers the option to the Reseller to display a report showing commission payments during selected time periods (page 1, [0009]).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Bayles in view of Vaid to provide the administration web site offers the option to the Reseller to display a report showing commission payments during selected time periods. One would be motivated to do so to allow efficient tracking of a reseller commission.

5. *Response to Arguments*

Applicant's arguments filed 04/24/08 have been fully considered but they are not persuasive.

Applicant argues that Vaid does not teach means for compensating each reseller that guided a customer to the registrar web site that registered a domain name.

In regards to the above point, Examiner respectfully disagrees.

In paragraph [0019], Vaid discloses ... The marketplace 10 generates revenue by charging the content owners 14 transaction fees. Thus, when the consumer 16 downloads a file 12, the consumer 16 is charged the retail price set by the owner. The transaction fee charged by the marketplace and any reseller commission is then subtracted from the retail price collected from the consumer 16....

However, Vaid teaches digital file marketplace. Vaid teaches means for compensating each Reseller (figure 2; page 2, [0019], Vaid discloses...the marketplace 10 generates revenue by charging the content owners 14 transaction fees. Thus, when the consumer 16 downloads a file 12, the consumer 16 is charged the retail price set by the owner. The transaction fee charged by the marketplace and any reseller commission (i.e. "means for compensating each Reseller") is then subtracted from the retail price collected from the consumer 16...).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Bayles in view of Vaid to provide means for compensating each Reseller that guided a Customer to the registrar web site that registered a domain name. One would be motivated to do so to allow maintaining the third party website.

6. Conclusion

Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention

Any inquiry concerning this communication or earlier communications from the examiner should be directed to El Hadji M Sall whose telephone number is 571-272-4010. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

//El Hadji M Sall/

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/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157